

IN SENATE OF THE UNITED STATES,

FEBRUARY 6, 1826.

Mr. MILLS, from the Select Committee, to whom was referred sundry petitions of officers who were in the service of the United States in the line of the Continental Army, at the termination of the Revolutionary War, submitted the following

REPORT:

That, for the purpose of retaining in the army of the United States, during the trying scenes of the Revolution, officers whose experience and abilities had rendered them eminently useful, and perhaps necessary for bringing the doubtful contest to a successful issue, the then Congress, by an act of the 21st October, 1780, "*Resolved, That half pay for life should be granted to such officers as should continue in the service until the termination of the war.*"

That this measure seemed necessary, both to the Congress which then conducted the war, and to the Commander in Chief, not only on account of the great merits of those officers, but of their frequent resignations, occasioned by peculiar difficulties growing out of their want of necessaries, and of their pay wherewith to purchase them—which measure, in the opinion of the Commander in Chief, to use his own words, "was attended with all the happy consequences he had foretold, so far as regarded the good of the service."

That, in the opinion of this committee, the services of those officers were a full and fair consideration for this grant; and, it is universally acknowledged, that, by the points of their swords, they nobly and gallantly won the promised reward.

That, on the signing of the preliminary articles of peace, in November, 1782, the war in effect was at an end; and, on signing the definitive articles, each individual officer became vested with a perfect right to half-pay for the residue of his life, for which the faith of the United States was pledged.

That Congress, by way of an equivalent, on the 22d March, 1783, "*Resolved, That such officers as are now in service, and shall continue therein to the end of the war, shall be entitled to five years full pay in money, or in securities on an interest of six per cent. per annum, as Congress shall judge most convenient, instead of half pay for life, promised by the resolution of the 21st October, 1780;*

“ the securities to be such as shall be given to other creditors, provided it be at the option of the lines of the respective states, and not of the officers individually in those lines, to accept or refuse the same.”

That the value of this resolve, so far as it regarded the manifest end for which this commutation was proposed, evidently depended on the success of certain applications and requisitions which were to be made by Congress upon the several states, to pay the amount of this commutation in money, or in securities wherewith these officers might aid themselves, while passing from military to civil life, by means of this anticipation.

That, after the army had been disbanded by a proclamation of Congress, there was delivered, without any alternative, to each officer, a certificate bearing date on the 4th day of November, 1783, certifying that there was due to him a certain sum (equal to five years full pay,) with interest at six per cent. per annum.

That it is an historical fact, that the state of Rhode Island refused her assent to a grant from the several states to Congress, of a power to lay an impost duty; and it is equally known that the requisitions for money also failed, whereby these certificates became entirely worthless in the hands of the original holders, unless they disposed of the same according to such value as had been stamped upon them by public opinion, being from one-eighth to one-tenth of the nominal amount: and it is understood that most of those officers were under such disagreeable necessity.

That it is notorious that no provision was made for the payment of these certificates, in money, or securities of any sort, until after the old Confederation had given place to the present Constitution; when, under an act of Congress, they were funded, the arrears of interest at three per cent. and the principal at six per cent., with the interest on one third part deferred for ten years then to come, and when the amount of stock received was scarcely equal in value to half pay from the termination of the war; excepting, however, so far as regarded the certificates delivered to *foreign* officers, which, under an order of Congress, were immediately exchanged for certificates of registered debt, and paid in specie to the *full amount* of principal and interest.

That forty-two years have now elapsed since the termination of the War of Independence, by which was achieved all for which it had been carried on; and, for the want of ability of means in the then Congress, the just expectations of those officers, who continued in service till that period, in regard to those rewards which were promised while those services were performing, have as yet never been realized.

That the individual election of each officer, to commute the promise of half pay for life, under the act of 1780, for another promise of full pay for five years, under the act of 1783, was not allowed him.

That, by this commutation, and the mode of providing for the certificates delivered to the American officers, different from that which had been adopted, in regard to those which were delivered to the foreign officers, there has been evidently a great gain to the Treasury,

to the corresponding loss of each of these survivors, respectively and individually.

That, by the course of nature, the youngest of them must be near the age of seventy years, and the strength of their days gone; so that it is to be presumed they are no longer able, by any ordinary course of business, to provide for themselves comfortable means of support, without recurring to the Representatives of the People for whose emancipation the vigor of their youth was devoted.

Your Committee, upon a review of the whole ground, are of opinion that it is due, as well to national justice and honor, as to this scanty remnant of survivors, that some suitable provision, out of the exuberant fruits of their hard earnings, be now made, in order to smooth their way to their graves.

Thus will these aged servants of the Republic have something more wherewith to console themselves, during their winter of life, than the naked honor of having belonged to that which has been emphatically denominated the PATRIOT ARMY; and, having shared in the hardships and sufferings, the toils and the dangers, of effecting the most glorious and eventful of all revolutions—of rescuing millions from the hand of oppression, and of laying the foundations of this vast and mighty empire.

Your Committee, respectively submit the following bill:

A MEMOIR,

In support of a Memorial presented by Mr. Van Buren to the Senate, in behalf of sundry of the surviving officers of the Revolution, who were in service at the termination of the war.

On the 15th May, 1778, Congress resolved: “That all military officers commissioned by Congress, who now are, or hereafter may be, in the service of the United States, and shall continue therein during the war, and not hold any office of profit under these states, or any of them, shall, at the conclusion of the war, be entitled to receive annually, for the term of seven years, if they live so long, one half of the present pay of such officers.”

On the 11th August, 1779, Congress resolved: “That it be recommended to the several states, to grant half-pay for life, to such officers as should continue in the service till the establishment of peace.”

On the 21st October, 1780, Congress resolved: “That the officers who should continue in the service to the end of the war, should be entitled to half-pay for life, to commence from the time of their reduction.”

On the 22d March, 1783, as an “equivalent” for such half-pay, Congress resolved, “That such officers as now are in service, and “shall continue therein to the end of the war, shall be entitled to receive five years full pay, in money or securities, on interest at “six per cent per annum, as Congress shall find most convenient, instead of the half-pay for life, promised by the resolution “of the 21st October, 1780; the said securities to be such as shall “be given to the other creditors of the United States: *Provided*, it “be at the option of the lines of the respective states, and not of officers individually in those lines, to accept or refuse: and provided, “also, that their election shall be signified to Congress through the “commander in chief, from the lines under his immediate command, “within two months, and through the commanding officer of the “Southern army, from those under his command, within six months “from the date of this resolution.”

The value of this resolve depended, entirely, on the success of applications and requisitions, to be made by Congress to the respective states to place permanent funds in their hands, to enable them to fulfil it; for they had no other means whatever, within their power; which means were immediately resorted to. [*See 8th Vol. Jour. of Congress, p. 186, 200, 256; 9th Vol. p. 170.*]

Under a confidence, however, at the time, on the part of the commander in chief, that these means would succeed, he assured the officers that it was the intention of Government, within a reasonable period, to establish funds for the payment of their engagements for half-pay, under the resolve of Congress of 21st October, 1780, or any commutation which might be made therefor, and that they might, in his opinion, rely on the plighted faith of their country, and place a full confidence in the purity of the intentions of Congress. [*See his address to the officers, in 8th vol. Journals, p. 246, 247, 248.*]

The officers, under these assurances, had an unshaken confidence in the justice of their country, and that the representatives of America would establish, within a short time, adequate funds, such as should be efficacious for their half-pay, or a commutation for it. [*See resolve of the officers, 8th vol. Journals, p. 248, 249.*]

On the 9th of April, 1783, the Commander-in-chief, in his general orders, directed that an entire cessation of hostilities should be proclaimed, and offered his congratulations to all the troops, and in particular to those gallant and persevering men who had resolved to defend the rights of their invaded country to the end of the war. (*See p. 4 Marshall's Life of Washington.*)

The definitive treaty of peace was signed on the — September, 1783; and Congress, by proclamation, discharged the army on the 18th October, 1783, whereby the right to the half pay for life became perfect in each officer, individually. (*See 8th Vol. Journals, 448, 449.*)

On the 1st day of November, 1783, the Secretary at War informed Congress that certain lines and corps of the army had agreed to accept the commutation of five years full pay in lieu of their half pay for life, according to certain papers accompanying this communication. (*See 8th vol. Journals, p. 478.*)

Commutation notes, so called, bearing date on or about the 3d day of November, 1783. were issued for each officer respectively, certifying that there was due to him a sum equal to five years full pay, with interest at six per cent.

For such of these notes as had been delivered to foreign officers, immediate provision was made for the payment, in specie, of the full amount, both principal and interest, by the then Congress. (*See Nourse's certificate.*)

When these certificates were delivered to the American officers, it must be presumed that they had a full confidence that a like provision would, in like manner, be made for them; but it is a notorious fact, that such funds were not provided (owing to the great pressure of the times which succeeded the peace.) until after the old confederation had given place to the present constitution of the United States, when the whole amount of stock or funded debt received was scarcely equal to half pay, up to that time, under the act of 21st October, 1780.

In consideration, therefore, of the advanced age of the officers of the Revolution, who continued in the service to the end of the war; of the peculiar nature and hardships of those services; of their disappointed hopes in regard to their promised rewards, through the want of power in Congress, under the old confederation, to provide necessary funds; of the manner in which the certificates for five years full pay, in lieu of half pay for life, were pressed upon them, without their full and fair election, being neither of equal value with such half pay, nor money, nor an equivalent for money; of the total inefficacy of these certificates to afford them assistance to set up in the world in civil employments; of the delay in funding these certificates, until the stock received for them was scarcely equal *in amount* to the half pay which would then have been due; of the advantages gained by the Government, by the inequality of the commutation, and the manner in which the certificates therefor were afterwards funded, to the corresponding loss of these officers; of the present ability of Congress to make that provision which was not made under the old confederation, for want of means; and in consideration of an aggregate of other circumstances, more easily felt than described:—this memorial solicits from Congress a special grant in favor of these survivors, for their ease, comfort, and becoming support, during their few remaining years, out of the exuberant fruits of their hard earnings, in the spring-time and morning of their lives, in defence of liberty, their country, and the sacred rights of man, through the trying vicissitudes of a long, arduous, bloody, and doubtful war, during which *Freedom and Slavery* hung suspended in *awful* poise.

If it should be said that such grant may compromit Congress to some principle which might carry them to an unknown extent: I would answer, that the present case is without a parallel, and can form no precedent for any other.

If it should be said that this memorial is confined to such *only* as continued in the service to the *end* of the war, and are *now* surviving; it may be observed, that the *first* discrimination is made by all the

several acts of Congress which have been mentioned; that is, the *half pay* was confined to such as should serve till the *end* of the war; for, if it had been otherwise, it is certain those resolves would have had an effect entirely contrary to that which had been designed; and, that the *other* discrimination has been made by *nature* herself; the dead have no wants; to them *relief is too late*—and while it is the policy of Governments to make grants for aged veterans, and their widows, it is not so in regard to their assignees, their administrators, their executors, or their descendants, for these are presumed to be able to provide for themselves.

Forty-two years have intervened between the termination of the war and the present period; during which time, in the strength of their days, these survivors, with various and varying fortunes, and generally with habits only military, without capitals, without professions, and without the knowledge of any mechanic arts, have struggled through the vicissitudes of life, until, at length, the winter of old age has overtaken them, when they have no where to look, for becoming and suitable support, but to the known magnanimity of this now great Republic, whose infancy they protected with their swords, at the risk and sacrifice of every thing most dear to man.



